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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,063	08/15/2001	Tadayuki Kameyama	020527	8898
38834	7590	08/10/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			KENNEDY, JENNIFER M	
			ART UNIT	PAPER NUMBER
			2812	

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

152

Office Action Summary	Application No. 09/929,063	Applicant(s) KAMEYAMA ET AL.	
	Examiner Jennifer M. Kennedy	Art Unit 2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 15, 16 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 10-14, 18, 19 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicants' amendment to the claims, the rejections of claims under 35 U.S.C. 112 first paragraph, are withdrawn.

In view of Applicants' arguments and the amendment to the claims, the rejections of claims under 35 U.S.C. 112 second paragraph, as being indefinite, are withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12-14, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Asano (U.S. Patent No. 5,048,933).

In re claims 10, 12, and 14, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 42-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers, and wherein the polymer material layer is a

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separator. Asano also discloses the method wherein the migration prevention layer is a silica film and is a silicone agent (part of 11A and 12A; see column 12, line 66 through column 13, line 7 and column 14, line 10-15).

In re claims 10 and 11, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 43-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers, and wherein the polymer material layer is a separator. Asano also discloses the method wherein the migration prevention layer is a polymer (11A and 12A, see column 12, lines 15-20). The examiner notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that any layer would provide an amount of migration prevention over no intermediate layer being present at all.

In re claims 10, 13, and 19, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 42-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers and wherein the polymer layer is a separator. Asano also discloses the method wherein the migration prevention layer is a metal oxide (11B, 12B). The examiner notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that

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any layer would provide an amount of migration prevention over no intermediate layer being present at all.

In re claims 10 and 18, Asano discloses an absorption type polarizing film (21, 22), and one or more polymer material layer (11C, 12C; see column 12, lines 42-50) provided on one or both of opposite surfaces of the absorption type polarizing film and a migration preventing layer disposed between the absorption type polarizing film and each of the polymer material layers, wherein the migration preventing layer (11B, 12B) is disposed directly on the absorption type polarizing layer (21, 22). The examiner notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that any layer would provide an amount of migration prevention over no intermediate layer being present at all.

Asano further discloses the method wherein the migration preventing layer is applied to the polarizing layer through an adhesive layer (11A, 12 A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano (U.S. Patent No. 5,048,933) in view of Kim et al. (U.S. Patent No. 6,153,272).

Asano discloses the polarizer substantially as claimed and rejected above, but does not disclose that the polymer layer is purified. Kim et al. discloses the method of forming a purified polymer layer (see column 8, lines 54-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the polymer layer of Asano of a purified polymer of Kim et al. in order to create a highly stable liquid crystal cell (see Kim et al. column 2, lines 13-32).

Claims 18, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano (U.S. Patent No. 5,048,933) in view of Mikura et al. (U.S. Patent No. 5,880,800).

In re claims 18, and 24-26, Asano et al. does not disclose the device wherein an adhesive layer is provided between the absorption-type polarizing film and the separator, wherein the migration preventing layer is disposed directly on a polymer base material for forming the separator, wherein a surface coat made of a release agent is provided on the migration preventing layer.

Mikura et al. disclose the device wherein an adhesive layer (31) is provided between the polarizing film (21) and the separator (4), wherein a migration preventing layer (32) is disposed directly on a polymer base material for forming the separator (4), wherein a surface coat made of a release agent is provided on the migration preventing layer (see column 11, lines 40-46, see Figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an adhesive layer provided between the polarizing film and

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the separator, and a migration preventing layer is disposed directly on a polymer base material for forming the separator, and a surface coat made of a release agent is provided on the migration preventing layer in order to allow for an LCD device with adhesion that prevents peeling and is excellent in heat and moisture resistance (see Mikura et al. column 1, lines 5-11).

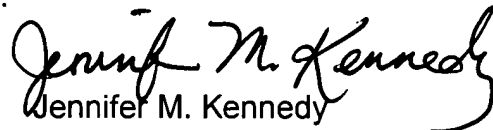
The examiner again notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that any layer would provide an amount of migration prevention over no intermediate layer being present at all.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Kennedy whose telephone number is (571) 272-1672. The examiner can normally be reached on Mon.-Fri. 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (571) 272-1679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer M. Kennedy
Patent Examiner
Art Unit 2812

jmk